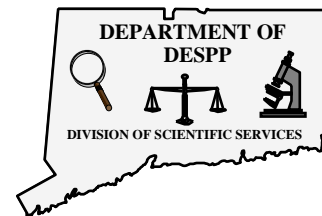




STATE OF CONNECTICUT

DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION
DIVISION OF SCIENTIFIC SERVICES
FORENSIC SCIENCE LABORATORY



I N T E R D E P A R T M E N T A L M E M O R A N D U M

TO: Under Secretary Michael Lawlor
Office of Policy & Management-Criminal Justice & Planning Division

FROM: Major William Podgorski
Division of Scientific Services

DATE: August 12, 2011

SUBJECT: Applied Biosystems Defective Identifier Kits

Sir:

In September 2010, it was brought to our attention that the DNA unit had been provided with sub standard identifier kits used to identify DNA over the past year from Applied Biosystems. Applied Biosystems was under state contract with the Department of Administrative Services until June 2010 and provided identifier kits used to generate DNA profiles. Apparently the magnesium and the reagents contained minor level of impurities that resulted in accelerated shelf life degradation. The kits upon purchase would pass quality control checks at the forensic laboratory, however over the several months after receipt they would degrade. This would result in low copy DNA profiles not showing up when running samples while utilizing sub-standard identifier kits. The DNA unit advises they received no official direct notice from Applied Biosystems, nor a phone call from a service representative about the defective identifier kits.

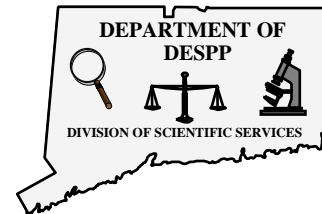
There result would be that some DNA profiles that may be present on evidence would not show in the test results. However, the profiles that were present are accurate and there is no question that the magnesium re-agent issue could not generate a false positive profile.

An initial review by the DNA unit indicates that the Connecticut Forensic Laboratory has purchased 90 identifier kits from the defective lot since September 1, 2009, and the sub standard identifier kits were used in approximately 1,200 criminal cases. The approximate value of the 90 kits is \$300,000 dollars. Many of these kits were purchased with National Institute of Justice grant funds to reduce DNA backlogs.



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The National Institute of Justice was notified, and Governor Rell's office was notified and a press release was distributed to the Criminal Justice community and the public in October 2010. Throughout the fall and winter of 2010 and 2011, the laboratory has work with the Chief's State's Attorney's office, local GA's, public defender's office and law enforcement community to determine how many actual cases require re-examination and the DNA evidence was not germane to the case.

Based on the evaluation we have determined that 638 cases require re-testing. The laboratory has formulated a plan, whereby the original examiner will conduct the DNA re-examination to ensure the continuity of the case. However, the laboratory estimates it needs four additional DNA examiners for a three year durational period. (It will take approximately 8 months to year to a year to get a new examiner fully trained, and it will take approximately 2 years to complete the re-examination process while processing general casework).

The laboratory has been working with Assistant Attorney General Nancy Arnold at the Attorney General's Office, and Ms. Carol Wilson at the Department of Administrative Services regarding recovery of funds and or payments from Applied Biosystems.